



EPA Region 5 Records Ctr.



275617

BSG:AML
DJ No. 90-11-3-1620/2

U.S. Department of Justice

Environment and Natural Resources Division

Environmental Enforcement Section
P.O. Box 7611 Telephone: (202) 514-4213
Washington, D.C. 20044-7611 Facsimile: (202) 616-6584

January 7, 2002

VIA FEDERAL EXPRESS

Clerk's Office
United States District Court for the Southern District of Ohio
Rm. 324
Potter Stewart Courthouse
100 E. 5th St.
Cincinnati, OH 45202

Re: Dow Chemical, et al. v. Acme Wrecking et al.
Dow Chemical, et al. v. Sun Oil Co., et al.
United States v. Aeronca, Inc. et al.
Consolidated Civil Action Nos. C-1-97-0307; C-1-97-0308; C-1-01-439

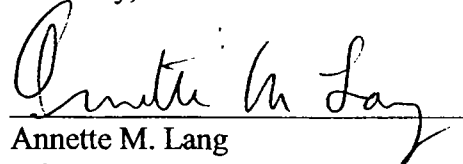
Dear Clerk:

Enclosed for filing please find the original and two copies of a Notice of Lodging of Consent Decrees, as well as three attached Consent Decrees. As the Notice states, the Consent Decrees should not be entered by the Court at this time. The United States first must allow the public to comment on them. If and when appropriate, the United States will move for entry.

If you could please return one filed-stamped copy of each document in the enclosed, self-addressed, stamped envelope, I would appreciate it.

Thank you for your prompt attention to this matter.

Sincerely,


Annette M. Lang
Trial Attorney

cc (w/enc):

All Counsel on the Service List
Gerry Kaminski
Craig Melodia

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

THE DOW CHEMICAL CO., <u>et al.</u> ,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action Nos.
)	C-1-97-0307; C-1-97-0308
ACME WRECKING CO., INC., <u>et al.</u> ,)	(Consolidated Actions)
)	
Defendants.)	C-1-01-439
)	(Transferred Action)
THE DOW CHEMICAL CO., <u>et al.</u>)	
)	Judge Weber
Plaintiffs,)	
)	
v.)	
)	
SUN OIL COMPANY, d/b/a SUNOCO)	
OIL CORP., <u>et al.</u> ,)	
)	
Defendants.)	
UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	
)	
AERONCA, INC., <u>et al.</u>)	
)	
Defendants.)	

NOTICE OF LODGING OF CONSENT DECREES

The United States hereby lodges with the Court three Consent Decrees, which, if entered, will completely resolve the claims of the United States in the above-captioned action against Settling Defendants Aeronca, Inc. ("Aeronca"), Martin E. Clarke, Clarke Sanitary Landfill,


Clarke Container, Inc., Clarke's Incinerators, Inc. (the "Martin Clarke Entities"), Richard M. Clarke, Clarke's Complete Collection, Dick Clarke Co., Dick Clarke Trash Removal and Demolition, Clarke's Services, Inc., and Clarke, Inc. (the "Dick Clarke Entities") (collectively "Settling Defendants"). The Consent Decrees have been signed by representatives of the United States and the Settling Defendants. In accordance with 28 C.F.R. § 50.7, Department of Justice policy, Paragraph 31 of the Consent Decrees with Aeronca and the Martin Clarke Entities, and Paragraph 30 of the Consent Decree with the Dick Clarke Entities, the approval of the United States remains subject to public notice and comment. Specifically, this Consent Decree has been lodged so that the Department of Justice may present the Decree to the public for comment, by publication of a "Notice of Lodging" in the Federal Register. The public comment period will run for thirty days after the initial publication of the Notice.

Accordingly, the Consent Decree should not be entered at this time. After notification of the public through the Federal Register and review of public comment -- if any is submitted -- the

United States will advise the Court of the substance of the comments and -- if appropriate -- ask the Court to enter the Consent Decree.

Respectfully submitted,

W. Benjamin Fisherow
Deputy Section Chief
Environmental Enforcement Section
Environment & Natural Resources Div.
U.S. Department of Justice



ANNETTE M. LANG
Trial Attorney
Environmental Enforcement Section
Environment and Natural Resources
Division
United States Department of Justice
P.O. Box 7611
Ben Franklin Station
Washington, D.C. 20044
(202) 514-4213

GREGORY G. LOCKHART
United States Attorney
Southern District of Ohio
GERALD F. KAMINSKI
(Ohio Bar No. 0012532)
Assistant United States Attorney
Southern District of Ohio
221 E. Fourth St., Suite 400
Cincinnati, Ohio 45202
(513) 684-3711

OF COUNSEL:

CRAIG MELODIA
Assistant Regional Counsel
U.S. Environmental Protection Agency
Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of January 2003, I caused a true copy of the foregoing NOTICE OF LODGING OF CONSENT DECREES to be served by first-class mail, postage prepaid upon the following counsel of record:

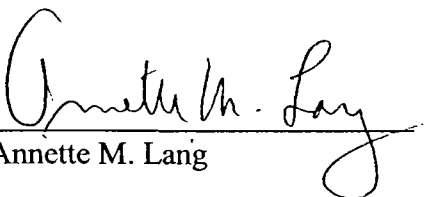
Louis E. Tosi (No. 0019756)
Michael J. O'Callaghan (No. 0043874)
Shumaker, Loop & Kendrick
41 S. High Street, Suite 2210
Columbus, OH 43215
Counsel for Contribution Plaintiffs
Phone: 614 463-9441
Fax: 614 463-1108

David E. Northrop (No. 0001804)
Porter Wright Morris & Arthur
41 S. High St.
Columbus, OH 43215-6194
Counsel for Aeronca, Inc.
Phone: 614 227-2072
Fax: 614 227-2100

Jonathon Conte (No. 0061249)
Blank Rome Comisky & McCauley LLP
PNC Center
201 E. Fifth St., Suite 1700
Cincinnati, OH 45202
Counsel for Clarke Container, Inc. and
Clarke's Incinerators, Inc.
Phone: 513 362-8703
Fax: 513 362-8787

John H. Phillips (No. 0043934)
Phillips Law Firm, Inc.
9521 Montgomery Rd.
Cincinnati, OH 45242
Counsel for Whitton Container, Inc.
Phone: 513 985-2500
Fax: 513 985-2503

Gary Franke (0029793)
120 E. Fourth St.
Suite 560
Cincinnati, OH 45202
Counsel for Clarke, Inc., Clarke Services,
Inc., and Richard M. Clarke
Phone: 513 564-9222
Fax: 513 564-9990


Annette M. Lang